ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, JUDGE

DIVISION II

CACR06-327

November 15, 2006

JAMAL AKRAM APPELLANT	APPEAL FROM THE MISSISSIPPI COUNTY CIRCUIT COURT, CHICKASAWBA DISTRICT [NO. CR-05-133-CT]
V.	HON. CINDY GRACE THYER, JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED

The appellant was convicted of manslaughter and failure to stop and render aid. On appeal, he argues that there is no substantial evidence to support his convictions. We affirm.

Appellant's motions for directed verdict on both charges were denied. A motion for a directed verdict is a challenge to the sufficiency of the evidence. *Barr v. State*, 336 Ark. 220, 984 S.W.2d 792 (1999). A directed-verdict motion is properly denied if the verdict is supported by substantial evidence, direct or circumstantial. *Id*. Substantial evidence is evidence of sufficient certainty and precision to compel a conclusion one way or another and pass beyond mere suspicion or conjecture. *Britt v. State*, 344 Ark. 13, 38 S.W.3d 363 (2001).

On appeal, we review the evidence in the light most favorable to the appellee and consider only the evidence that supports the verdict. *Id*.

Appellant first argues that there is no substantial evidence to support his manslaughter conviction. Pursuant to Ark. Code Ann. § 5-10-104(a)(3) (Repl. 2006), a person commits manslaughter if he recklessly causes the death of another person. A person acts recklessly with respect to attendant circumstances or a result of his conduct when he consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur; the risk must be of a nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the actor's situation. Ark. Code Ann. § 5-2-202(3) (Repl. 2006).

Viewing the evidence, as we must, in the light most favorable to the appellee, the record shows that appellant struck a vehicle from behind at approximately 2:30 a.m. on April 2, 2005, killing one of the passengers and injuring the other two occupants. The speed limit in the area was fifty-five miles per hour. The vehicle appellant struck was traveling at fifty miles per hour. The vehicle appellant struck had functioning headlights and tail lights, which were illuminated. The headlights on appellant's vehicle were functioning and illuminated when the accident occurred, but there were no tire or skid marks prior to the point of impact. Although the struck vehicle was proceeding at or near the speed limit, the impact of the collision was such as to cause extensive damage to the front of appellant's vehicle and to cause catastrophic damage to the vehicle he struck, pushing the trunk almost entirely into the

back seat, killing the back seat passenger, and injuring both occupants of the front seat. Appellant had been drinking before the accident. He was seen drinking liquor at a club earlier that evening, and a six-pack container of beer was found in appellant's vehicle after the accident. Five of the beer bottles were missing from the container. Appellant was not at the scene when police arrived. He took a ride from an acquaintance who happened by, informing the acquaintance that he had checked and that "everyone was okay." Appellant asked the acquaintance for a ride to Dodger Dog to call for help but later changed his mind and asked to be taken to his mother's house.

We hold that this evidence is sufficient to support appellant's manslaughter conviction. Guilt need not always be proven by direct evidence. The fact that evidence is circumstantial does not render it insubstantial. Circumstantial evidence can present a question to be resolved by the trier of fact and can be the basis to support a conviction. *Booth v. State*, 26 Ark. App. 115, 761 S.W.2d 607 (1989). Appellant argues that the only direct evidence of his alcohol consumption was the testimony of a friend that appellant had drunk "one shot" at the club. However, the jury is allowed to draw any reasonable inference from circumstantial evidence to the same extent that it can from direct evidence, *id.,* and it could properly have inferred from the missing beer bottles, the circumstances of the impact, and appellant's subsequent flight from the scene that he was intoxicated at the time of the accident. *See Gavin v. State*, 309 Ark. 158, 827 S.W.2d 161 (1992); *Weeks v. State*, 64 Ark. App. 1, 977 S.W.2d 241 (1998).

Appellant next argues that the evidence was insufficient to support his conviction for failure to stop and render aid because he fulfilled the duties that the statute requires of him by arranging to have a passerby call 911 before he left the scene. We disagree. Arkansas Code Annotated § 27-53-101(a)(1) (Supp. 2005) requires the driver of any vehicle involved in an accident resulting in injury to or death of any person to immediately stop the vehicle at the scene of the accident, or as close thereto as possible, and then immediately return to and, in every event, remain at the scene of the accident until he has fulfilled the requirements of § 27-53-103. The latter statute imposes a duty to give information and render aid upon the driver of any vehicle involved in such an accident, requiring him to give his name, address, and the registration number of the vehicle he is driving; exhibit his driver's license to the driver, occupant of, or person attending any vehicle collided with; and to render to any person injured in the accident reasonable assistance, including transportation for medical treatment if it is apparent that treatment is necessary or if transporting is requested by the injured person. Ark. Code Ann. § 27-53-103 (Supp. 2005). The statute thus imposes a duty to give information as well as render aid. Appellant did not fulfill his duty to provide information; instead, the circumstances reasonably support an inference that appellant left the scene for the express purpose of making it more difficult to ascertain and prove his identity and state of intoxication at the time of the accident. *See Weeks v. State*, *supra*.

Affirmed.

GRIFFEN and GLOVER, JJ., agree.